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UNITED STATES DEPARTMENT OF COMMERCE

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Serial No.: 008,432

Filed: 1/28/87

Applicant: William C. Choate, et al

Title: METHOD AND APPARATUS FOR AIR-TO-AIR AIRCRAFT RANGING

Sponsoring Agency & Address:

PAT. & T.M. OFFICE
MAILED

U.S. AF/JACP
Chief, Patent Div.
1900 Half St. S.W.
Washington, DC 20324

AUG 24 1987

LICENSING & REVIEW

ECCN¹ REFERENCE

Goods Accompanied
by Sophisticated
Know-How

Keystone
Equipment
or Materials

ITAR² REFERENCE

Goods Accompanied
by Sophisticated
Know-How

1355A

SECRECY ORDER AND PERMIT FOR FOREIGN FILING IN
CERTAIN COUNTRIES

(Title 35, United States Code, sections 181-188
(1952))

NOTICE: To the applicant(s) above named; his,
her, or their heirs; and any and all of the
assignees, licensees, attorneys and agents,
hereinafter designated principals:

You are hereby notified that the above-identified
patent application has been found to contain
subject matter which discloses critical technology
with military or space application. The
unauthorized disclosure of such subject matter
would be detrimental to the national security, and
you are ordered to keep the subject matter secret
(as required by 35 U.S.C. § 181) and you are
further ordered NOT TO PUBLISH OR DISCLOSE the
subject matter to any person except as specifically
authorized herein.

¹Export Control Commodity Number (ECCN) on the
Commodity Control List (Supplement No. 1 to
15 C.F.R. § 399.1).

²International Traffic in Arms Regulation (ITAR),
Subchapter M of Chapter 1 at 22 C.F.R. §§120-130.

Any other patent application already filed or hereafter filed in the U.S. or any foreign country which contains any significant part of the subject matter of the above-identified application falls within the scope of this Order. If such other patent application is not under a Secrecy Order imposed by the U.S. Patent and Trademark Office, it and the common subject matter immediately must be brought to the attention of the Director, Group 220, Attn: Licensing and Review, U.S. Patent and Trademark Office, Washington, D.C. 20231 as soon as possible.

Publication or disclosure of the subject matter of the above-identified patent application, except as authorized herein or subsequently by the Commissioner of Patents and Trademarks, may subject the person publishing or disclosing the subject matter to the penalties of 35 U.S.C. 182, 185 and 186 (1952).

The principals may disclose, for legitimate business purpose,³ the subject matter of the above-identified application to a U.S. citizen or to a person who is both admitted lawfully into the United States for permanent residence and is located in the United States provided the U.S. citizen or person is furnished with a copy of this Secrecy Order and is formed that this Secrecy Order is applicable to the subject matter disclosed.

Legitimate business purposes include both selling or producing products for the commercial domestic marketplace or for the commercial foreign marketplace, providing that any required expert license is obtained. Legitimate business purposes also include selling or otherwise disclosing technical data to foreign contractors or governments overseas after receiving the required export license or approval by the U.S. Government.

The principals shall notify the Commissioner of Patents and Trademarks if a validated license is obtained from the Office of Export Administration or a license is obtained from the Director, Office of Munitions Control under regulations governing the export of technical data (15 CFR 379 of the Export Administration Regulations or 22 CFR 125 of the International Traffic in Arms Regulations).

³The term "legitimate business purposes" is to be interpreted consistent with DOD Directive 5230.25 entitled "Withholding of Unclassified Technical Data From Public Disclosure," issued by the Secretary of Defense on November 6, 1984, 32 CFR Part 250, 49 FR 484040 (December 10, 1984).

The subject matter of the above-identified application has been determined not to be encompassed by E.O. 10865, entitled "Safeguarding of Classified Information Within Industry" or E.O. 12356, entitled "National Security Information" and thus is not subject to the "Industrial Security Manual for Safeguarding Classified Information." However, since the disclosure of the subject matter would be detrimental to the national security, the subject matter must be safeguarded under conditions that will provide adequate protection and prevent access by unauthorized persons. When copies of the subject matter are no longer needed, they should be destroyed by any method that will prevent disclosure of the contents or reconstruction of the document.

The principals are permitted, subject to the conditions stated hereinafter, to file and prosecute a corresponding application for patent in each of the following application for patent in each of the following countries: Australia, Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Italy, Luxembourg, Netherlands, Norway, Portugal, Sweden, Turkey and the United Kingdom. The papers for each foreign application and its prosecution shall be transmitted to the sponsoring agency, identified herein, for forwarding through diplomatic channels for filing in the foreign country either directly by the principals or through the principals' foreign patent attorney or agent if authorized by the foreign government. Correspondence exclusively relating to payments of taxes and fees need not be sent through the sponsoring agency and diplomatic channels provided that such correspondence contains no information pertaining to the subject matter of the above-identified application.

International reciprocal agreements providing for the filing of patent applications under a Secrecy Order in the above identified countries require the principals to furnish to the sponsoring agency identified herein (in addition to the papers to be filed in the foreign patent office) a copy of the specification (including any drawings annexed thereto, any resume and the claims included in the patent application) filed in the patent office of the foreign country. This copy will be furnished to the appropriate defense agency of the foreign government for information only and without prejudice to any rights of the principals. The filing date and serial number of the patent application should also be furnished to the sponsoring agency.

The principals shall request the foreign patent office to place in secrecy the foreign patent applications corresponding to the above-identified application and shall furnish a copy of this Secrecy Order and permit with the first papers to be filed in the foreign patent office.

The foreign government may require a waiver in writing of any claim to compensation for loss or damage due solely to the imposition of secrecy on the invention. Belgium, France, the Federal Republic of Germany, the Netherlands, Turkey and the United Kingdom normally require such a waiver in writing.

This Order should not be construed in any way to mean that the Government has adopted or contemplates adoption of the invention disclosed in this application and it is not any indication of the value of such invention.

for *Dorothy Z. Kelly*
Kenneth L. Cage
Director, Special Laws Administration